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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

THE PEOPLE,

Plaintiff and Respondent,

v.

LEESESTER CHANDLER, JR.

Defendant and Appellant.

2d Crim. No. B293699
(Super. Ct. No. BA204995)
(Los Angeles County)

In 2001, Leesester Chandler, Jr. was convicted of being a felon in possession of a firearm in violation of former Penal Code section 12021, subdivision (a)(1)¹ (now section 29800, subdivision (a)(1)). He had prior felony convictions for carjacking and robbery. He was sentenced to 25 years to life under the “Three Strikes” law (§§ 667, subds. (b)-(i), 1170.12, subds. (a)-(d).) We

¹ All further statutory references are to the Penal Code unless otherwise stated.

affirmed the conviction. (*People v. Chandler* (Dec. 4, 2002, B151928) [nonpub. opn.].)

In 2012, Chandler filed a petition to recall his sentence pursuant to section 1170.126, and resentence him as a second strike offender. The trial court found by a preponderance of the evidence that he was not eligible because he was armed with a firearm during the commission of the offense. (§ 1170.12, subd. (c)(2)(C)(iii).) We affirmed. (*People v. Chandler* (Dec. 19, 2016, B267338) [nonpub. opn.].)

Subsequently, our Supreme Court decided in *People v. Frierson* (2017) 4 Cal.5th 225, that the factors rendering a defendant ineligible for recall of sentence must be found beyond a reasonable doubt.

In July of 2018, Chandler renewed his petition. The trial court again found him ineligible, this time beyond a reasonable doubt. Chandler appeals the denial of his petition.

We appointed counsel to represent Chandler in this appeal. After examining the record, counsel filed a brief raising no issues.

On March 29, 2019, we notified Chandler that he had 30 days within which to submit any contentions he may wish to raise on appeal.

Chandler submitted a letter brief contending he is entitled to retroactive application of a recent amendment giving the trial court the discretion to strike firearm enhancements imposed under section 12022.53.

Chandler's contention is beyond the scope of this appeal. Even if we were to treat Chandler's brief as a writ petition, we would be required to deny the petition.

The Penal Code is not retroactive. (§ 3.) An exception applies to cases that are not final when a statutory amendment

becomes effective. (*In re Estrada* (1965) 63 Cal.2d 740, 742.) But Chandler's 2001 conviction has long since become final. Finally, the amendment applies only to section 12022.53. It does not apply to section 12021 under which Chandler was convicted.

We have reviewed the entire record and are satisfied that Chandler's counsel has fully complied with her responsibilities and that no arguable issue exists. (*People v. Wende* (1979) 25 Cal.3d 436, 441.)

The judgment (order) is affirmed.

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GILBERT, P. J.

We concur:

YEGAN, J.

PERREN, J.

William C. Ryan, Judge

Superior Court County of Los Angeles

Suzan E. Hier, under appointment by the Court of Appeal,
for Defendant and Appellant.

No appearance for Plaintiff and Respondent.